

REMARKS

Prior to entry of the forgoing amendments, claims 1, 12-20, 30 and 51-54 were pending. Claims 1 and 30 have been amended and claim 51 has been canceled. Accordingly, claims 1, 12-20, 30 and 52-54 are pending for reexamination and reconsideration, which are respectfully requested in view of the following remarks.

In the January 28, 2004 office action, claims 1, 12-16, 18-19, 30 and 51 were rejected under 35 USC § 103(a) as obvious over Barbet or Goodwin, either in view of Bagshawe. Claims 16-17 were rejected over Barbet or Goodwin, either in view of Bagshawe, further in view of Wagner. Claims 52-54 were free of the prior art. The specific grounds for rejection, and applicants response thereto, are set out in detail below.

Rejections under § 103(a)

Claims 1, 12-16, 18-19, 30 and 51 are rejected under 35 USC § 103(a) as obvious over Barbet or Goodwin, either in view of Bagshawe. Claims 16-17 are rejected over Barbet or Goodwin, either in view of Bagshawe, further in view of Wagner. The essence of the rejection appears to be that Barbet or Goodwin teach the method of claim 1, except that both references fail to teach or suggest the use of a targetable construct comprising a carrier portion and one or more enzymes where the enzyme(s) can convert a prodrug to a drug at a targeted tissue. Bagshawe allegedly teaches the use of an antibody-enzyme conjugate to activate a prodrug at the targeted tissue. The Examiner alleges that it would have been obvious to combine enzyme-prodrug activation as allegedly taught by Bagshawe with the bispecific antibodies of Barbet or Goodwin. Applicants respectfully traverse.

The rejection here appears to be directed exclusively at those aspects of the claims, prior to the present amendments, that recite the use of a prodrug, as set forth in subparagraphs (D)(1) of claims 1 and 30 and in claim 51. Applicants maintain that, for at least the reasons set forth in their prior responses, including the response filed October 20, 2003, the Examiner has failed to set forth a proper *prima facie* case of obviousness and that, even if a *prima facie* case of obviousness could be shown to exist, that case is rebutted by the long felt need in the art for the methods of the present invention. Nevertheless, without acquiescing in the propriety of the

rejection, and solely for the purpose of expediting allowance of the application, applicants have amended claims 1 and 30 by deleting the prior subparagraph (D)(1) and canceling claim 51. Applicants respectfully submit that the subject matter of the amended claims is free of the prior art, as previously acknowledged by the Examiner and, accordingly, request withdrawal of the rejection.

CONCLUSION

In view of the above remarks and amendments, it is respectfully submitted that this application is in condition for allowance. Early notice to that effect is earnestly solicited. The Examiner is invited to telephone the undersigned at the number listed below if the Examiner believes such would be helpful in advancing the application to issue.

If any additional fees are required for the filing of this paper, Applicants authorizes the Commissioner to charge any deficiency to Deposit Account No. 08-1641.

Respectfully submitted,

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